

1 H.111

2 An act relating to vital records

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 * * * General Provisions Related to Vital Records * * *

5 Sec. 1. 18 V.S.A. § 4999 is added to 18 V.S.A. chapter 101 to read:

6 § 4999. DEFINITIONS

7 As used in this part, unless the context requires otherwise:

8 (1) “Issuing agent” means a town clerk or duly authorized representative
9 of the State Registrar who issues certified and noncertified copies of birth and
10 death certificates from the Statewide Registration System.

11 (2) “Licensed health care professional” means a physician, a physician
12 assistant, or an advanced practice registered nurse.

13 (3) “Municipality” or “town” means a city, town, village, unorganized
14 town or gore, or town or gore within the unified towns and gores of Essex
15 County.

16 (4) “Noncertified copy” means a copy of a vital event certificate issued
17 by a public agency as defined in 1 V.S.A. § 317, other than a certified copy.

18 (5) “Office of Vital Records” means an office of the Department of
19 Health responsible for the Statewide Registration System and with the
20 authority over vital records provided by law.

1 (6) “Registrant” means the individual who is the subject of a vital event
2 certificate.

3 (7) “Statewide Registration System” or “System” means:

4 (A) the sole official repository of data from birth and death
5 certificates registered on or after January 1, 1909; and

6 (B) such other data related to vital records as the State Registrar may
7 prescribe.

8 (8) “Town clerk” or “municipal clerk” or “clerk” means a town clerk, a
9 city clerk, a county clerk acting on behalf of an unorganized town or gore, or
10 the supervisor of the unified towns and gores of Essex County, or a town
11 official or employee designated by the same to act on his or her behalf.

12 (9) “Vital event certificate” means a birth, death, marriage, or civil
13 union certificate or a report of divorce, annulment, or dissolution. “Vital event
14 certificate” does not include any confidential portion of a report of birth or of
15 death or of a marriage or civil union license or application therefor.

16 (10) “Vital record” means:

17 (A) a report of birth, death, fetal death, or induced termination of
18 pregnancy or a preliminary report of death;

19 (B) a vital event certificate;

20 (C) a marriage or civil union license;

21 (D) a burial-transit permit; and

1 (E) any other records associated with the creation, registration,
2 processing, modification, or disclosure of the records described in this
3 subdivision (10).

4 Sec. 2. 18 V.S.A. § 5020 is redesignated to read:

5 § 5020 5000. SUPERVISOR OF VITAL RECORDS STATE REGISTRAR;
6 DUTIES; AUTHORITY; STATEWIDE REGISTRATION
7 SYSTEM; ISSUING AGENTS

8 Sec. 3. 18 V.S.A. § 5000 is amended to read:

9 § 5000. STATE REGISTRAR; DUTIES; AUTHORITY; STATEWIDE
10 REGISTRATION SYSTEM; ISSUING AGENTS

11 (a) The ~~commissioner~~ Commissioner shall designate a member of the
12 department Department as supervisor of vital records registration who the State
13 Registrar. The State Registrar shall head the Office of Vital Records, and shall
14 provide consultation to town and county clerks, hospital personnel, physicians
15 licensed health care professionals, midwives, funeral directors, ~~clergy~~
16 clergy, probate judges, and all other persons involved in vital records
17 registration for the purpose of promoting uniformity of procedures in reaching
18 a order to promote the complete, accurate, and timely, and lawful creation,
19 registration, processing, modification, and disclosure of vital records.

20 (b) The Commissioner may exercise any authority granted to or fulfill
21 any duties conferred on the State Registrar under this part or any other

1 provision of law related to vital records, and the State Registrar may
2 delegate the exercise of his or her authority or the performance of his or her
3 duties to a duly authorized representative.

4 (c)(1) The State Registrar shall operate the Statewide Registration
5 System, which shall be the sole official repository of data from birth and
6 death certificates registered on or after January 1, 1909. However, nothing
7 in this part shall be construed to preclude town clerks or other issuing
8 agents from printing from the System and maintaining for public inspection
9 noncertified copies of birth and death certificates. The State Registrar shall
10 create and maintain an index which, at a minimum, will enable the public to
11 search contents of the System by the name of the registrant and by the date
12 of the vital event.

13 (2) On and after July 1, 2018:

14 (A) upon registration of a birth or death in the Statewide Registration
15 System, the System shall automatically notify the town clerk of the town of
16 occurrence and the town clerk of residence of the registrant;

17 (B) upon the correction or amendment of a birth or death
18 certificate registered in the System, or upon issuance of a new birth
19 certificate to replace a birth certificate registered in the System, the System
20 shall automatically notify the town clerk of the town of occurrence and the
21 town clerk of residence of the registrant.

1 (3) Birth and death certificates registered prior to January 1, 1909:

2 (A) shall not be incorporated into the Statewide Registration
3 System;

4 (B) shall be maintained at the offices of town clerks as specified in
5 section 5007 of this title; and

6 (C) shall not be eligible for amendment under this part.

7 (4) The State Registrar shall investigate and attempt to resolve any
8 known discrepancy between the contents of a vital event certificate in the
9 custody of the State Registrar and a vital event certificate maintained in the
10 office of a town clerk. In addition, the State Registrar shall have the authority
11 to change the contents of a birth or death certificate in the System in order to
12 address a known error or to conform the certificate to the requirements of a
13 court order. The State Registrar shall record and maintain in the System the
14 nature and content of a change made in the System, the identity of the person
15 making the change, and the date of the change.

16 (5) Except as authorized under subdivision 5073(a)(3) of this title, and
17 except for corrections, completions, or amendments to address known errors or
18 omissions, the State Registrar shall deny any application under this part
19 requesting a correction, completion, or amendment of a birth or death
20 certificate in order to change a name, and shall change a name only in
21 accordance with a court order.

1 (d)(1) Except as provided in subdivision (2) of this subsection, town clerks
2 in the State shall aid in the efficient administration of the Statewide
3 Registration System and shall act as agents to issue copies of birth and death
4 certificates from the Statewide Registration System in accordance with section
5 5016 of this title.

6 (2) By filing a written notice with the State Registrar, a town clerk may
7 opt out of serving as an issuing agent.

8 (e) The State Registrar shall, consistent with the requirements of this
9 part:

10 (1) administer the Statewide Registration System and fulfill the
11 duties assigned to him or her under this part;

12 (2) provide for the preservation and security of the official records of
13 the Office of Vital Records, and for the matching of birth and death records
14 in order to prevent the fraudulent use of birth and death certificates of
15 deceased persons;

16 (3) promote uniformity of policy and procedures pertaining to vital
17 records and vital statistics throughout the State;

18 (4) prescribe the contents and form of vital record reports, vital event
19 certificates, and related applications and documents; prescribe the contents
20 and form of burial-transit permits; and distribute the same;

1 (5) maintain a Vital Records Alert System in order to track and
2 prevent misrepresentation, fraud, or illegal activities in connection with
3 vital records;

4 (6) implement audit and quality control procedures as necessary to
5 ensure compliance with vital records filing and reporting requirements;

6 (7) prescribe:

7 (A) the contents and form of applications for a certified copy of
8 birth or death certificate after consultation with the Vermont Municipal
9 Clerks' & Treasurers' Association;

10 (B) the manner in which vital records required to be submitted to
11 him or her shall be submitted;

12 (C) physical requirements and security standards for storage of
13 vital event certificates and related supplies, after consideration of best
14 practices issued by state and federal law enforcement and public health
15 organizations;

16 (D) the manner in which the Department of Public Safety shall
17 furnish lists of missing and kidnapped children to the State Registrar; and

18 (E) procedures governing the public's inspection of birth and
19 death certificates, if necessary to protect the integrity of the certificates or to
20 deter fraud;

1 (8) adopt rules governing:

2 (A) acceptable content and limitations on the number of characters
3 on a birth certificate;

4 (B) acceptable forms of identification required in connection with
5 applications for certified copies of birth and death certificates; and

6 (C) the process for denying a certified copy of a birth or death
7 certificate based on a Vital Records Alert System match or evidence of
8 fraud or misrepresentation, notifying affected persons of the denial, and
9 investigating and resolving the issue identified.

10 (f) The State Registrar may adopt rules as may be necessary to carry out
11 his or her duties under this part.

12 Sec. 4. 18 V.S.A. § 5001 is amended to read:

13 § 5001. ~~VITAL RECORDS; FORMS OF CERTIFICATES~~ DUTIES OF
14 CUSTODIANS

15 ~~(a) Certificates of birth, marriage, civil union, divorce, death, and fetal~~
16 ~~death shall be in form prescribed by the commissioner of health and distributed~~
17 ~~by the department of health.~~

18 ~~(b) Beginning on January 1, 2010, all certificates of birth, marriage, civil~~
19 ~~union, divorce, death, and fetal death~~ certified copies of vital event certificates
20 shall be issued on unique paper with antifraud features approved by the

1 ~~commissioner of health~~ State Registrar and available from the ~~department of~~
2 ~~health~~ Office of Vital Records.

3 (b) Town custodians of vital event certificates shall ensure that the
4 following are stored in a fireproof safe or vault:

5 (1) blank copies of antifraud paper;

6 (2) original vital event certificates; and

7 (3) such other records or materials as the State Registrar may prescribe.

8 (c)(1) The State Registrar may audit any municipal or county office that
9 stores or issues vital records to determine its compliance with the requirements
10 of this part and any rules adopted thereunder. The State Registrar may require
11 an office that fails an audit to cease issuing vital records until it passes a new
12 audit.

13 (2) Following a failed audit, upon request, the State Registrar shall
14 conduct a follow-up audit within 30 days of the request.

15 Sec. 5. 18 V.S.A. § 5002 is amended to read:

16 § 5002. ~~RETURNS; TABLES~~ REPORT OF VITAL STATISTICS;

17 PRESERVATION OF RECORDS; AUTHORITY TO ISSUE

18 The ~~commissioner of health~~ State Registrar shall prepare ~~from the returns of~~
19 an annual vital statistics report summarizing reports or returns of births,
20 marriages, ~~civil unions,~~ deaths, fetal deaths, and divorces required by law to be
21 transmitted to the commissioner such tables and append thereto such

1 ~~recommendations as he or she deems proper, and during the month of July in~~
2 ~~each even year, shall cause the same to be published as directed by the board,~~
3 annulments, and dissolutions received in the prior calendar year. The
4 ~~commissioner State Registrar shall file and preserve all such returns. The~~
5 ~~commissioner shall periodically transmit the original returns or photostatic or~~
6 ~~photographic copies to the state archivist~~ of marriages, divorces, annulments,
7 and dissolutions to the State Archivist, who shall keep the returns, ~~or~~
8 ~~photostatic or photographic copies of the returns,~~ on file for use by the public.
9 ~~The commissioner and the state archivist~~ State Registrar and the State
10 Archivist shall each, independently of the other, have power to issue certified
11 copies of ~~such records~~ vital event certificates in their custody.

12 Sec. 6. 18 V.S.A. § 5003 is amended to read:

13 § 5003. FORMS MATERIALS FOR ISSUING AGENTS

14 The ~~commissioner~~ State Registrar shall procure and send to ~~each town and~~
15 ~~county clerk such forms and reports of uniform size, and with margin for~~
16 ~~binding,~~ issuing agents materials as are may be necessary to be used in
17 ~~compliance with the provisions of this part~~ for the issuance of vital event
18 certificates.

1 Sec. 7. 18 V.S.A. § 5005 is amended to read:

2 § 5005. UNORGANIZED TOWNS AND GORES

3 (a) The county clerk of a county ~~wherein is situated~~ where an unorganized
4 town or gore is situated shall have the authority, perform the ~~same~~ duties, and
5 be subject to the ~~same~~ penalties as ~~town clerks in respect to licenses,~~
6 ~~certificates, records, and returns of parties, both of whom reside in an~~
7 ~~unorganized town or gore in such county or where one party to a civil marriage~~
8 ~~or a civil union so resides and the other party resides in an unorganized town or~~
9 ~~gore in another county or without the state. The cost of binding such~~
10 ~~certificates shall be paid by the state~~ prescribed in this part in relation to vital
11 records with respect to residents of the unorganized town or gore.

12 (b) ~~A report of births and deaths in unorganized towns and gores shall be~~
13 ~~made to the county clerk who shall record the same as is required in relation to~~
14 ~~such statistics in a town.~~

15 Sec. 8. 18 V.S.A. § 5006 is amended to read:

16 § 5006. VITAL RECORDS EVENT INFORMATION PUBLISHED IN
17 TOWN REPORTS

18 Town clerks ~~annually may compile and the~~ or auditors may publish in the
19 annual town report a ~~transcript of the record of~~ nonconfidential information
20 and statistics concerning births, marriages, ~~civil unions,~~ and deaths ~~recorded of~~ of

1 residents during the preceding calendar year. Upon request, the State Registrar
2 shall furnish a town clerk such information and statistics.

3 Sec. 9. 18 V.S.A. § 5007 is amended to read:

4 § 5007. PRESERVATION OF ~~DATA~~ RECORDS

5 A town clerk shall receive, number, and file for record certificates of ~~births,~~
6 ~~marriages, civil unions, and deaths, and shall preserve such certificates~~
7 ~~together with the~~ and ~~burial-transit and removal~~ permits returned to the clerk;
8 ~~in a fireproof vault or safe, as provided by 24 V.S.A. § 1178. A town clerk~~
9 shall permanently preserve at the office of the clerk birth and death certificates
10 registered prior to July 1, 2018, and marriage and civil union certificates.

11 Sec. 10. 18 V.S.A. § 5008 is amended to read:

12 § 5008. TOWN CLERK; RECORDING AND INDEXING PROCEDURES

13 A town clerk shall file for record and index in volumes all marriage
14 certificates and burial-transit permits received by the town. Each volume or
15 series shall contain an alphabetical index. Civil marriage certificates shall be
16 filed for record in one volume or series, civil ~~unions~~ union certificates kept in
17 ~~another, birth certificates in another, and death certificates~~ and burial-transit
18 ~~and removal~~ permits in another. ~~However, except that~~ in a town having less
19 than 500 inhabitants, the town clerk may cause civil marriage, civil union,
20 ~~birth, and death certificates, and burial-transit and removal~~ permits to be filed
21 ~~for record in one volume, provided that none of such volumes shall contain~~

1 ~~more than 250 certificates and permits. All volumes shall be maintained in the~~
2 ~~town clerk's office as permanent records.~~

3 Sec. 11. 18 V.S.A. § 5009 is amended to read:

4 § 5009. ~~NONRESIDENTS; CERTIFIED COPIES~~ TO TOWN OF
5 RESIDENCE

6 On the first day of each month, the town clerk shall make a certified copy of
7 each original ~~or~~ corrected certificate of birth, or amended civil marriage,
8 certificate or amended civil union, ~~and death filed certificate filed~~ in the clerk's
9 office during the preceding month, whenever ~~the parents of a child born were,~~
10 ~~or a party to a civil marriage or a civil union or a deceased person was,~~ was a
11 resident in any other Vermont town at the time of ~~such birth,~~ the civil
12 marriage, or civil union, ~~or death,~~ and shall transmit ~~such~~ the certified copy to
13 the clerk of ~~such~~ the other Vermont town, who shall file the same.

14 Sec. 12. 18 V.S.A. § 5010 is amended to read:

15 § 5010. ~~REPORT OF STATISTICS~~ TRANSMITTAL OF MARRIAGE
16 CERTIFICATES

17 The town clerk ~~in of~~ each town ~~of over 5,000 population or in a town where~~
18 ~~a general hospital as defined in subdivision 1902(1) of this title, is located,~~
19 shall each week transmit to the ~~supervisor of vital records registration~~ State
20 Registrar copies, duly certified, of each ~~birth, death, marriage, and civil union~~
21 certificate filed in the town in the preceding week. ~~In all other towns, the clerk~~

1 shall transmit such copies of birth, death, marriage, and civil union certificates
2 received during the preceding month on or before the 10th day of each
3 succeeding month.

4 Sec. 13. 18 V.S.A. § 5011 is amended to read:

5 § 5011. PENALTY

6 (a) A town clerk who fails to transmit such copies of birth, marriage,
7 civil union, and death certificates as provided in section 5010 of this title
8 shall be fined not more than \$100.00.

9 (b) The Commissioner or a hearing officer designated by the Commissioner
10 may, after notice and an opportunity for hearing, impose a civil administrative
11 penalty of not more than \$250.00 against a person who fails to perform a duty
12 imposed or violates a prohibition under this part. A hearing under this
13 subsection shall be a contested case subject to the provisions of 3 V.S.A.
14 chapter 25, and the provisions of 3 V.S.A. §§ 809(h), 809a, and 809b related to
15 subpoenas shall extend to the Commissioner, a hearing officer appointed by
16 the Commissioner, and licensed attorneys representing a party.

17 Sec. 14. 18 V.S.A. § 5013 is amended to read:

18 § 5013. ~~TOWN CLERK; SINGLE INDEX BIRTHS AND DEATHS~~

19 ~~A town clerk shall prepare and keep a single index of births and deaths in~~
20 ~~alphabetical order, except as provided by 24 V.S.A. § 1153. [Repealed.]~~

1 Sec. 15. 18 V.S.A. § 5014 is added to read:

2 § 5014. CONFIDENTIALITY

3 (a)(1) A vital record, or information therein, that by law is designated
4 confidential or by a similar term, that by law may only be disclosed to
5 specifically designated persons, or that by law is not a public record, is
6 exempt from inspection and copying under the Public Records Act and shall
7 be kept confidential to the extent provided by law.

8 (2) Records or information described in subdivision (1) of this
9 subsection may be disclosed:

10 (A) for public health or research purposes in accordance with law;

11 (B) to a regulatory or law enforcement agency for enforcement
12 purposes, if the agency has agreed to accept the terms of an agreement with the
13 Office of Vital Records governing use and confidentiality of the information;

14 (C) to the vital records office of another state, if the subject of the
15 vital record was a resident of the other state at the time of the vital event
16 that led to creation of the record; or

17 (D) in a summary, statistical, or other format in which particular
18 individuals are not identified directly or indirectly.

19 (b)(1) Except as otherwise provided in subdivision (a)(2) of this section
20 and subdivision (2) of this subsection, the following information is exempt
21 from public inspection and copying under the Public Records Act, shall be kept

1 confidential, and, in any civil action, shall not be subject to discovery or
2 subpoena or be admissible:

3 (A) Social Security information and information collected only for
4 medical and health purposes in reports of birth;

5 (B) Social Security numbers in reports of death or in preliminary
6 reports of death;

7 (C) prior marriage and legal guardianship information and elections
8 to dissolve a civil union in a marriage or civil union license or license
9 application;

10 (D) such other information contained in a vital record as the State
11 Registrar may designate through a rule adopted pursuant to 3 V.S.A.
12 chapter 25, but only if the designation is necessary to protect the privacy of an
13 individual.

14 (2) The person who is the subject of the record or his or her authorized
15 representative shall be entitled to obtain a copy of the information.

16 (c) Information in or received from the Vital Records Alert System is
17 exempt from public inspection and copying under the Public Records Act and
18 shall be kept confidential, except that, in addition to the exceptions to
19 confidentiality provided in subdivision (a)(2) of this section, such information
20 may be shared with an issuing agent in order to correct and prevent mistakes
21 and criminal activity.

1 Sec. 16. 18 V.S.A. § 5015 is amended to read:

2 § 5015. ~~STATISTICS BY HEAD OF FAMILY BECOMING RESIDENT~~

3 ~~The head of a family who moves into and becomes a permanent resident of~~
4 ~~this state may cause to be recorded in the office of the clerk of the town where~~
5 ~~he or she resides, or if he or she resides in an unorganized town or gore, in the~~
6 ~~office of the clerk of the county wherein he or she resides, a certificate of his or~~
7 ~~her marriage embracing the statistics required by law, and may also cause to be~~
8 ~~recorded the birth of any of his or her children born without the state, with the~~
9 ~~statistics relating to such birth required by law, and shall make oath to the~~
10 ~~correctness of such statistics. Such record shall not be returned to the~~
11 ~~commissioner. [Repealed.]~~

12 Sec. 17. 18 V.S.A. § 5016 is added to read:

13 § 5016. BIRTH AND DEATH CERTIFICATES; COPIES; INSPECTION

14 (a) Access and issuance generally.

15 (1) Except as provided in subdivisions (2) and (3) of this subsection:

16 (A) only the State Registrar and issuing agents may issue certified
17 copies of birth and death certificates registered before July 1, 2018, and such
18 certificates shall only be issued from the Statewide Registration System; and

19 (B) only the State Registrar and issuing agents may issue certified or
20 noncertified copies of birth and death certificates registered on or after July 1,

1 2018, and such certificates shall only be issued from the Statewide Registration
2 System.

3 (2) Copies of birth and death certificates registered prior to January 1,
4 1909 shall not be issued from the Statewide Registration System. Any town
5 clerk may issue a certified copy of a pre-1909 birth or death certificate,
6 provided he or she fulfills the requirements of subsection (b) of this section
7 and such additional requirements as the State Registrar may prescribe as
8 necessary to track antifraud paper used to produce such copies.

9 (3) A certified or noncertified birth or death certificate shall only be
10 issued as authorized and prescribed in this section, except that in either of
11 the following circumstances, a public agency may issue a noncertified copy
12 even if it does not follow the requirements of this section governing
13 noncertified copies:

14 (A) if the public agency is an agency other than the Office of Vital
15 Records, the Vermont State Archives and Records Administration, or the
16 office of a town or county, and the public agency has custody of a birth or
17 death certificate acquired in the course of its business; or

18 (B) if the birth or death certificate was filed in the records of a
19 town or county office, such as land records, for a reason unrelated to its
20 official role under law as a repository of registered birth or death
21 certificates.

1 (4) The word “illegitimate” shall be redacted from any certified or
2 noncertified copy of a birth certificate.

3 (5) If necessary to prevent fraud, the State Registrar may limit the
4 issuance of a certified or noncertified copy of a certificate of live birth for a
5 foreign born child in the same manner as copies of birth certificates are limited
6 under this section.

7 (b) Certified copies.

8 (1) The State Registrar and issuing agents may issue certified copies
9 of birth and death certificates only upon receipt of a complete application
10 accompanied by a form of identification prescribed in rules adopted by the
11 State Registrar. The State Registrar and issuing agents shall record in a
12 database maintained by the State Registrar any application received.

13 (2) Only the following persons shall be eligible for a certified copy of
14 a birth or death certificate:

15 (A) the registrant or his or her spouse, child, parent, sibling,
16 grandparent, or guardian; a person petitioning to open a decedent’s estate; a
17 court-appointed executor or administrator; or the legal representative of any of
18 these;

19 (B) a specific person pursuant to a court order finding that a
20 noncertified copy is not sufficient for the applicant’s legal purpose and that a

1 certified copy of the birth or death certificate is needed for the determination or
2 protection of a person's right; or

3 (C) in the case of a death certificate only, additionally to:

4 (i) the individual with authority for final disposition as provided in
5 section 5227 of this title or a funeral home or crematorium acting on the
6 individual's behalf;

7 (ii) the Social Security Administration;

8 (iii) the U.S. Department of Veterans Affairs; or

9 (iv) the deceased's insurance carrier, if such carrier provides
10 benefits to the decedent's survivors or beneficiaries.

11 (3) Antifraud paper. Certified copies of birth and death certificates shall be
12 issued only on unique paper with antifraud features approved by the State Registrar.

13 (4) Legal effect. A certified copy of a birth or death certificate shall be prima
14 facie evidence of the facts stated therein.

15 (c) Noncertified copies.

16 (1) Form. A noncertified copy of a birth or death certificate issued from
17 the Statewide Registration System shall indicate the term "Noncertified" on its
18 face and shall not be issued on antifraud paper.

19 (2) Legal effect. A noncertified copy of a birth or death certificate shall
20 not serve as prima facie evidence of the facts stated therein, except that it may

1 be recorded in the land records of a municipality to establish the date of birth
2 or death of a person with an ownership interest in property.

3 (d) Inspection. In addition to the provisions of the Public Records Act, the
4 State Registrar may prescribe procedures governing the inspection of birth and
5 death certificates if necessary to protect the integrity of the certificates or to
6 prevent fraud.

7 Sec. 18. 18 V.S.A. § 5017 is added to read:

8 § 5017. FEES FOR COPIES

9 For a certified copy of a vital event certificate, the fee shall be \$10.00.

10 * * * Divorce and Dissolution Records * * *

11 Sec. 19. 18 V.S.A. § 5004 is amended to read:

12 § 5004. FAMILY DIVISION OF THE SUPERIOR COURT ~~CLERKS~~;

13 DIVORCE AND DISSOLUTION RETURNS

14 The ~~family division of the superior court clerk~~ Family Division of the
15 Superior Court shall send to the ~~commissioner~~ State Registrar, before the 10th
16 day of each month, by county, a report of the number of divorces ~~which~~ and
17 dissolutions that became absolute during the preceding month, showing as to
18 each the names of the parties, date of civil marriage or civil union, number of
19 children, grounds for divorce or dissolution, and such other statistical
20 information available from the ~~family division of the superior court clerk's file~~
21 Family Division as may be required by the ~~commissioner~~ State Registrar.

1 (c)(1) Whoever assumes the custody of a live-born infant of unknown
2 parentage shall ~~complete a certificate~~ file a report of birth as follows:

3 (A) ~~name of the child as given by the custodian, and sex;~~

4 (B) ~~approximate date of birth as determined in consultation with a~~
5 ~~physician;~~

6 (C) ~~place of birth as place where the child is found;~~

7 (D) ~~in place of certifier, the custodian shall sign and indicate~~
8 ~~“custodian” rather than “attendant,” with date and address; and~~

9 (E) ~~parentage data and other child’s data items shall be left blank~~
10 with the State Registrar in the form and manner prescribed by the State
11 Registrar.

12 (2) If the child is identified and a certificate of birth is found or
13 obtained, the report and any certificate created under this section and copies
14 thereof shall be ~~sealed and~~ deposited with the ~~Commissioner of Health~~ State
15 Registrar and kept confidential, to be opened upon court order only.

16 (d) The name of the father shall be included on the report of birth and on
17 any birth certificate of the child of unmarried parents only if the father and
18 mother have signed a voluntary acknowledgment of parentage or a court or
19 administrative agency of competent jurisdiction has issued an adjudication of
20 parentage.

1 (e) When a birth certificate is issued, a parent or parents shall be identified
2 with gender-neutral nomenclature.

3 Sec. 21. 18 V.S.A. § 5072 is amended to read:

4 § 5072. NOTICE TO PARENT FOR CORRECTION OR COMPLETION

5 ~~The supervisor of vital records registration shall, within~~ Within three
6 months after each birth ~~which~~ that occurs in the ~~state~~ State, except ~~for the birth~~
7 of a child known to have died or to have been surrendered for adoption, the
8 State Registrar shall send a notice of birth registration to the parents of the
9 child. ~~Such~~ The notice shall contain the pertinent facts such as the child's full
10 name, date and place of birth, and the names of the parents, with instructions
11 and a form on which to apply for corrections or additions.

12 Sec. 22. 18 V.S.A. § 5073 is amended to read:

13 § 5073. ~~AMENDMENT OF MINOR ERRORS ON BIRTH CERTIFICATE~~

14 CORRECTIONS, COMPLETIONS

15 (a)(1) ~~Within~~ Except as otherwise provided in subdivision (2) of this
16 subsection, within six months after the date of birth, ~~amendment of obvious~~
17 ~~errors, transpositions of letters in words of common knowledge, or omissions,~~
18 ~~may be made by the town clerk either upon his or her own observation or the~~
19 State Registrar may correct or complete a birth certificate in the Statewide
20 Registration System upon request application of a parent, the hospital, in which

1 the birth occurred, or the certifying attendant, or the supervisor of vital records
2 registration.

3 (2) At any time after the date of birth, the State Registrar may complete
4 a birth certificate to add the name of a father parent only upon request of the
5 registrant or his or her parent or guardian and upon the receipt of:

6 (A) a properly executed voluntary acknowledgment of parentage; or

7 (B) a decree of a court or administrative agency of competent
8 jurisdiction adjudicating parentage.

9 (3) Within six months after the date of birth, the State Registrar may
10 complete or change the name of a child upon joint application of the parents or
11 upon application of the parent if only one parent is listed on the birth
12 certificate. A court order shall not be required except for completions or
13 changes of name more than six months after the date of birth.

14 (b) If the State Registrar determines that a correction or completion
15 requested under this section is unwarranted, he or she may deny an application,
16 in which case the applicant may petition the Probate Division of the Superior
17 Court. The court shall review the petition and relevant evidence de novo to
18 determine if the correction or completion is warranted. The court shall
19 transmit a decree ordering a correction or completion to the State Registrar,
20 who shall correct or complete the certificate in accordance with the decree.

1 (c) ~~The amended~~ A corrected or completed certificate shall be free of any
2 evidence of such ~~correction except that the clerk shall make a notation as to the~~
3 change and shall not be marked “Amended.” However, the State Registrar
4 shall record and maintain in the Statewide Registration System the source of
5 the information, ~~together with his or her name~~ the nature and content of the
6 change, the identity of the person making the change, and the date the change
7 was made, on the margin of the certificate. ~~This notation shall not be included~~
8 ~~on any certified copy of the certificate issued except as specified in subsection~~
9 ~~(b) of this section. The certificate shall not be marked “Amended.”~~

10 (b) ~~The town clerk shall send a certified copy of any certificate amended~~
11 ~~under subsection (a) of this section to the commissioner and also to the clerk of~~
12 ~~any town to whom a copy of the original record was sent under the provisions~~
13 ~~of section 5009 of this title, and shall enclose with that copy, but not endorsed~~
14 ~~thereon, a notation identifying the copy to be replaced. The copy shall show~~
15 ~~the notations specified in subsection (a) of this section. The commissioner shall~~
16 ~~file this return or copy by attaching the same to the original return or copy.~~

17 (d) If the State Registrar corrects or completes a certificate that was
18 registered prior to July 1, 2018, he or she shall notify the town clerk or clerks
19 with custody of the certificate, who shall replace and dispose of the
20 uncorrected certificate and update indexes as directed by the State Registrar.
21 Corrected or completed originals shall not be marked “Amended.”

1 Sec. 23. [Deleted.]

2 Sec. 24. 18 V.S.A. § 5075 is amended to read:

3 § 5075. ISSUANCE OF ~~NEW OR CORRECTED~~ AMENDED OR

4 DELAYED BIRTH CERTIFICATE BY PROBATE DIVISION OF

5 THE SUPERIOR COURT APPLICATION

6 (a) ~~After~~ Except as otherwise provided in subdivision 5073(a)(2) of this
7 title, after six months from the date of birth, any alteration of the birth
8 certificate of a person born in this state may be amended only by the decree of
9 the probate division of the superior court of the district in which such birth
10 occurred State shall be deemed an amendment. A petition for such
11 amendment may be brought by the person, the person's Upon application by
12 the registrant, his or her parent or guardian, the hospital in which the birth
13 occurred, or the certifying attendant, or custodian setting forth the reason for
14 such petition and the correction or amendment desired and the reason for it, the
15 State Registrar may amend the birth certificate if the application and relevant
16 evidence, if any, show that the amendment is warranted.

17 (b) A person born in this ~~state~~ State for whom no certificate of birth was
18 filed during the first year following birth, or his or her parent or guardian, may
19 ~~petition the probate division of the superior court of the district in which such~~
20 ~~person was born~~ apply to the State Registrar to determine the facts with respect
21 to ~~this~~ the birth and to ~~order the issuance of~~ issue a delayed certificate of birth.

1 ~~(b) Birth certificates issued under this section for minor errors as defined in~~
2 ~~subsection 5073(a) of this title shall be corrected without payment of a fee.~~

3 (c) If the State Registrar denies an application under this section, the
4 applicant may petition the Probate Division of the Superior Court, which shall
5 review the application and relevant evidence de novo to determine if the
6 amendment or issuance of a delayed certificate is warranted. The court shall
7 transmit a decree ordering an amendment or issuance of a delayed certificate to
8 the State Registrar, who shall amend or issue the certificate in accordance with
9 the decree.

10 (d) The State Registrar shall make any amendment and register any delayed
11 certificate in the Statewide Registration System. Any amended birth certificate
12 issued from the System shall indicate the word “Amended” and the date of
13 amendment, and any delayed certificate issued from the System shall indicate
14 the word “Delayed” and the date of registration. The State Registrar shall
15 record and maintain in the System the identity of the person requesting the
16 amendment or delayed certificate, the nature and content of the change made in
17 the System, the person who made the amendment or registered the delayed
18 certificate in the System, and the date of the amendment or registration.

19 (e) If the State Registrar amends a certificate that was registered prior to
20 July 1, 2018, he or she shall notify the town clerk or clerks with custody of the

1 certificate, who shall replace and dispose of the unamended certificate and
2 update indexes as directed by the State Registrar.

3 Sec. 25. 18 V.S.A. § 5076 is amended to read:

4 § 5076. NOTICE; HEARING; DECREE; RECORD

5 ~~(a) The probate division of the superior court shall set a time for hearing on~~
6 ~~a petition filed under section 5075 of this title, cause notice thereof, if it deems~~
7 ~~such necessary, by posting a notice in the probate office, and after hearing such~~
8 ~~proper and relevant evidence as may be presented shall make findings with~~
9 ~~respect to the birth of such person as are supported by the evidence.~~

10 ~~(b) The court shall thereupon issue a decree setting forth the facts as found~~
11 ~~and transmit a certified copy thereof to the supervisor of vital records~~
12 ~~registration.~~

13 ~~(1) Where the certificate is to be amended, the supervisor of vital~~
14 ~~records registration shall transmit the decree to the town clerk where the birth~~
15 ~~occurred, with instructions to amend the original certificate. A correction shall~~
16 ~~be made by drawing a line through the matter to be corrected and writing in~~
17 ~~new matter as required to show the legal effects. The town clerk shall stamp,~~
18 ~~write or type the words "Court Amended" at the top of the amended certificate~~
19 ~~and all copies thereof and shall certify that the amendment was ordered by said~~
20 ~~court pursuant to this chapter with the date of decree. The town clerk shall~~
21 ~~send a certified copy of such completed or corrected birth record, showing new~~

1 ~~matter added, or changed matter lined out and the substituted matter as it~~
2 ~~appears thereon, to the commissioner and also to the clerk of any town to~~
3 ~~whom a copy of the original record was sent under the provisions of section~~
4 ~~5009 of this title, and shall enclose with that copy, but not endorsed thereon, a~~
5 ~~notation identifying the original.~~

6 (2) ~~Where a delayed certificate is to be issued, the supervisor of vital~~
7 ~~records registration shall prepare a delayed certificate of birth on forms~~
8 ~~prescribed by the department and transmit the same, with the decree, to the~~
9 ~~clerk of the town in which the birth occurred. This delayed certificate shall~~
10 ~~have the word "Delayed" printed at the top and shall certify that the certificate~~
11 ~~was ordered by a court pursuant to this chapter, with the date of the decree.~~
12 ~~The town clerk shall file this delayed certificate and shall follow the provisions~~
13 ~~of sections 5009 and 5010 of this title with respect to transmitting copies to the~~
14 ~~town of residence and to the department of health.~~

15 (3) ~~Town clerks receiving new certificates in accordance with this~~
16 ~~section shall file and index them in the most recent book of births and also~~
17 ~~index them with births occurring at the same time. [Repealed.]~~

1 Sec. 26. 18 V.S.A. § 5077 is amended to read:

2 § 5077. ~~NEW BIRTH CERTIFICATE OF CHILD OF UNWED PARENTS~~
3 ~~WHO SUBSEQUENTLY MARRY~~

4 ~~(a) A person whose previously unwed parents have intermarried~~
5 ~~subsequent to his or her birth and whose father has recognized such person as~~
6 ~~his child may establish his or her legitimacy under the provisions of 14 V.S.A.~~
7 ~~§ 554 and the facts with respect to his or her birth and parentage, and procure~~
8 ~~the issuance and filing of a new birth certificate by petition to the probate~~
9 ~~division of the superior court of the district where the child was born.~~

10 ~~(b) The probate division of the superior court, after hearing, shall issue a~~
11 ~~decree setting forth the facts as found and shall transmit a certified copy~~
12 ~~thereof to the supervisor of vital records registration, who shall prepare a new~~
13 ~~certificate and transmit it together with the decree and such information as is~~
14 ~~necessary to identify the original birth certificate, to the clerk of the town~~
15 ~~where the child was born.~~

16 ~~(c) The clerk shall file and index the new certificate in the most recent book~~
17 ~~of births, shall also index them with births occurring at the same time and shall~~
18 ~~otherwise comply with the provisions of sections 5080 and 5081 of this title.~~
19 ~~The new certificate shall contain a notation that it was issued by authority of~~
20 ~~this chapter, and it shall not contain the word "Amended" or other special~~
21 ~~designation. [Repealed.]~~

1 Sec. 27. 18 V.S.A. § 5077a is amended to read:

2 § 5077a. NEW BIRTH CERTIFICATE DUE TO PARENTAGE

3 NOMENCLATURE ON FORMER REPORT OF BIRTH FORM

4 (a) If a parent of a person born in this State was unable to be listed as a
5 parent on the person's birth certificate due to the lack of gender-neutral
6 nomenclature on ~~the former report of birth information form~~ forms provided by
7 the Department of Health, and the person or the person's parent ~~may petition~~
8 ~~the Probate Division of the Superior Court of the district where the person was~~
9 ~~born in order to establish his or her parentage and be issued a new~~ submits
10 sufficient proof of parentage to the State Registrar, the State Registrar shall
11 complete the birth certificate in the Statewide Registration System. If the State
12 Registrar denies an application under this subsection, the applicant may
13 petition the Probate Division of the Superior Court, which shall review the
14 application and relevant evidence de novo to determine if the issuance of a new
15 birth certificate is warranted. If the court issues a decree ordering the issuance
16 of a new birth certificate, the State Registrar shall update the System in
17 accordance with the decree. The State Registrar shall record in the System the
18 identity of the person requesting the new certificate, the nature and content of
19 the change, the person who made the change, and the date of the change. The
20 State Registrar shall issue a new birth certificate from the System which shall
21 not contain the word "Amended" or other special designation, and shall notify

1 the town clerk or clerks with custody of the certificate, who shall replace the
2 original with the new certificate and update indexes as directed by the State
3 Registrar. The town clerk or clerks shall send the original to the State
4 Registrar, who shall keep it confidential.

5 (b) ~~The Probate Division of the Superior Court, after hearing, shall~~
6 ~~authorize the supervisor of vital records registration to issue a new birth~~
7 ~~certificate and transmit it, together with any information identifying the~~
8 ~~original birth certificate, to the clerk of the town where the person was born.~~
9 [Repealed.]

10 (c) ~~The clerk shall file and index the new certificate in the most recent book~~
11 ~~of births, shall also index them with births occurring at the same time, and~~
12 ~~shall otherwise comply with the provisions of sections 5080 and 5081 of this~~
13 ~~title. The new certificate shall contain a notation that it was issued by authority~~
14 ~~of this chapter, and it shall not contain the word "Amended" or other special~~
15 ~~designation. [Repealed.]~~

16 Sec. 28. 15A V.S.A. § 3-801 is amended to read:

17 § 3-801. REPORT OF ADOPTION TO STATE REGISTRAR OF VITAL
18 RECORDS

19 (a) Within 30 days after a decree of adoption becomes final, the clerk of the
20 court shall prepare, send, and certify to the State Registrar of Vital Records a
21 report of adoption on a form furnished prescribed by the ~~supervisor of vital~~

1 ~~records and certify and send the report to the supervisor~~ State Registrar. The
2 report shall include:

3 (1) information in the court's record of the proceeding for adoption
4 ~~which~~ that is necessary to locate and identify the adoptee's birth certificate or,
5 in the case of an adoptee born outside the United States, evidence the court
6 finds appropriate to consider as to the adoptee's date and ~~place~~ country, state,
7 and municipality of birth, as may be available;

8 (2) information necessary to issue a new birth certificate for the adoptee
9 and a request that a new certificate be issued, unless the court, the adoptive
10 parent, or an adoptee who ~~has attained~~ is 14 years of age or older requests that
11 a new certificate not be issued; and

12 (3) the file number of the decree of adoption and the date on which the
13 decree became final.

14 (b) Within 30 days after a decree of adoption is amended or set aside, the
15 clerk of the court shall prepare and send to the State Registrar a report of that
16 action on a form ~~furnished~~ prescribed by the ~~supervisor of vital records and~~
17 ~~shall certify and send the report to the supervisor of vital records~~ State
18 Registrar. The report shall include information necessary to identify the
19 original report of adoption, and shall also include information necessary to
20 amend or withdraw any new birth certificate that was issued pursuant to the
21 original report of adoption.

1 Sec. 29. 15A V.S.A. § 3-802 is amended to read:

2 § 3-802. ISSUANCE OF NEW, AMENDED BIRTH CERTIFICATE

3 (a) Except as otherwise provided in subsection (d) of this section, upon
4 receipt of a report of adoption prepared pursuant to ~~section 3-801~~ subsection
5 3-801(a) of this title, a report of adoption prepared in accordance with the law
6 of another state or country, a certified copy of a decree of adoption together
7 with information necessary to identify the adoptee's original birth certificate
8 and to issue a new certificate, or a report of an amended adoption prepared
9 pursuant to subsection 3-801(b) of this title, the ~~supervisor of vital records~~
10 State Registrar shall either:

11 (1) ~~issue a new birth certificate~~ for an adoptee born in this state State,
12 update the Statewide Registration System in accordance with the decree and
13 furnish a certified copy of ~~the~~ a new birth certificate to the adoptive parent and
14 to an adoptee who ~~has attained~~ is 14 years of age or older;

15 (2) ~~forward a certified copy of a report of adoption~~ for an adoptee born
16 in another state, forward a certified copy of the report of adoption to the
17 ~~supervisor of vital records~~ appropriate office of the state of birth;

18 (3) ~~issue a certificate of foreign birth~~ for an adoptee adopted in this state
19 ~~and~~ State who was born outside the United States and was not a citizen of the
20 United States at the time of birth, create and register in the Statewide
21 Registration System a "certificate of live birth for a foreign born child" upon

1 request and in the form specified in 18 V.S.A. § 5078a, and furnish a certified
2 copy of the certificate to the adoptive parent and to an adoptee who ~~has~~
3 ~~attained~~ is 14 years of age or older;

4 (4) ~~notify an adoptive parent of the procedure for obtaining a revised~~
5 ~~birth certificate through the United States Department of State~~ for an adoptee
6 born outside the United States who was a citizen of the United States at the
7 time of birth, notify the adoptive parent of the procedure for obtaining a
8 revised birth certificate through the U.S. Department of State; or

9 (5) in the case of an amended decree of adoption, ~~issue an amended~~
10 ~~birth certificate according to~~ either update the Statewide Registration System
11 in accordance with the decree and follow the procedure in subdivision (a)(1) or
12 (3) of this section, or follow the procedure in subdivision (2) or (4) of this
13 section.

14 (b) Unless otherwise specified by the court, a new birth certificate or
15 certificate of live birth for a foreign born child issued pursuant to subdivision
16 (a)(1) or (3) or an amended certificate issued pursuant to subdivision (a)(5) of
17 this section shall:

18 (1) be signed by the ~~supervisor of vital records~~ State Registrar;

19 (2) include the date, time, and place of birth of the adoptee;

20 (3) substitute the name of the adoptive parent for the name of the person
21 listed as the adoptee's parent on the original birth certificate;

1 (4) ~~include the filing date of the original birth certificate and the filing~~
2 ~~date of the new birth certificate; [Repealed.]~~

3 (5) contain any other information prescribed by the ~~supervisor of vital~~
4 ~~records~~ State Registrar.

5 (c) ~~The supervisor of vital records, and any other custodian of such records,~~
6 In the case of birth certificates registered prior to July 1, 2018 that are to be
7 replaced or amended pursuant to subdivision (a)(1) or (5) of this section, the
8 State Registrar shall notify the town clerk or clerks with custody of the
9 certificate, who shall substitute the new or amended birth certificate for the
10 original birth certificate. The original certificate and all copies of the
11 certificate in the files shall be sealed and shall not be subject to inspection or
12 copying until 99 years after the adoptee's date of birth, except as provided by
13 this title.

14 (d) If the court, the adoptive parent, or an adoptee who ~~has attained~~ is 14
15 years of age or older requests that a new or amended birth certificate not be
16 issued, the ~~supervisor of vital records may~~ State Registrar shall not issue a new
17 or amended certificate for an adoptee pursuant to subsection (a) of this section,
18 ~~but~~. Nonetheless, for an adoptee born in another state, the State Registrar shall
19 forward a certified copy of the report of adoption or of an amended decree of
20 adoption ~~for an adoptee who was born in another state~~ to the appropriate office
21 in the adoptee's state of birth.

1 (e) Upon receipt of a report that an adoption has been ~~vacated~~ set aside, the
2 ~~supervisor of vital records~~ State Registrar shall:

3 (1) ~~restore the original birth certificate~~ for a person born in this state to
4 ~~its place in the files,~~ State for whom a new birth certificate was issued, update
5 the Statewide Registration System to reflect the original birth certificate data
6 and, in the case of an original birth certificate registered prior to July 1, 2018,
7 notify the town clerk or clerks with custody of the certificate, who shall seal
8 any new or amended birth certificate issued pursuant to subsection (a) of this
9 section, restore the original, update indexes as directed by the State Registrar,
10 and not allow inspection or copying of a the sealed certificate except upon
11 court order or as otherwise provided in this title;

12 (2) ~~forward the report with respect to~~ for a person born in another state,
13 forward the report to the appropriate office in the state of birth; ~~or~~

14 (3) for an adoptee born outside the United States who was not a citizen
15 of the United States at the time of birth for whom a certificate of live birth for a
16 foreign born child was issued, update the Statewide Registration System to
17 reflect that the adoption was set aside; or

18 (4) notify the person who is granted legal custody of a former adoptee
19 ~~after an adoption is vacated of the procedure for obtaining an original birth~~
20 ~~certificate through the United States Department of State~~ for a former adoptee
21 born outside the United States who was a citizen of the United States at the

1 time of birth, notify the person who is granted legal custody of a former
2 adoptee after an adoption is set aside of the procedure for obtaining an original
3 birth certificate through the U.S. Department of State.

4 (f) Upon request by a person who was listed as a parent on an adoptee's
5 original birth certificate and who furnishes appropriate proof of the person's
6 identity, the ~~supervisor of vital records~~ State Registrar shall give the person a
7 noncertified copy of the original birth certificate.

8 Sec. 30. 18 V.S.A. § 5078 is amended to read:

9 § 5078. ADOPTION; NEW AND AMENDED BIRTH CERTIFICATE

10 (a) ~~The supervisor of vital records registration shall establish a new birth~~
11 ~~certificate for a person born in the state when the supervisor~~ When the State
12 Registrar receives a ~~record~~ report of adoption, a report of an amended
13 adoption, or a report that an adoption has been set aside as provided in
14 ~~15 V.S.A. § 449~~ 15A V.S.A. § 3-801, or a record of adoption prepared and
15 filed in accordance with the laws of another state or foreign country, he or she
16 shall proceed as prescribed in 15A V.S.A. § 3-802.

17 (b) ~~The new birth certificate shall be on a form prescribed by the~~
18 ~~commissioner of health. The new birth certificate shall include:~~

19 (1) ~~the actual place and date of birth;~~

20 (2) ~~the adoptive parents as though they were natural parents;~~

1 ~~(3)~~ If prior to July 1, 2018 a new birth certificate was issued following
2 an adoption which contains a notation that it was issued by authority of this
3 chapter, contains the filing dates of the original and the new birth certificate, or
4 otherwise contains information that facially distinguishes it from an original,
5 the adoptive parent or the adoptee if 14 years of age or older may apply to the
6 State Registrar to issue a replacement birth certificate that does not contain
7 distinguishing information. The State Registrar shall issue the replacement and
8 notify any town clerk with custody of the version that contains distinguishing
9 information, who shall substitute the latter with the replacement birth
10 certificate. The town clerk shall send the version that contains distinguishing
11 information to the State Registrar, who shall keep it confidential.

12 ~~(c) The new birth certificate shall not contain a statement whether the~~
13 ~~adopted person was illegitimate. [Repealed.]~~

14 ~~(d) The new certificate, and sufficient information to identify the original~~
15 ~~certificate, shall be transmitted to the clerk of the town of birth to be filed~~
16 ~~according to the procedures in 15 V.S.A. § 451. [Repealed.]~~

17 ~~(e) The supervisor of vital records registration shall not establish a new~~
18 ~~birth certificate if the supervisor receives, accompanying the record of~~
19 ~~adoption, a written request that a new certificate not be established:~~

20 ~~(1) from the adopted person if 18 years or older; or~~

1 ~~(2) from the adoptive parent or parents if the adopted person is under 18~~
2 ~~years of age. [Repealed.]~~

3 (f) ~~When the supervisor of vital records registration receives a record of~~
4 ~~adoption for a person born in another state, the supervisor shall forward a~~
5 ~~certified copy of the record of adoption to the state registrar in the state of~~
6 ~~birth, with a request that a new birth certificate be established under the laws of~~
7 ~~that state. [Repealed.]~~

8 Sec. 31. 18 V.S.A. § 5078a is amended to read:

9 § 5078a. ~~BIRTH CERTIFICATE FOR FOREIGN BORN OF~~

10 LIVE BIRTH FOR A FOREIGN BORN CHILD ADOPTED IN
11 VERMONT

12 (a) ~~The supervisor of vital records registration~~ State Registrar shall
13 ~~establish a Vermont birth certificate for a person born in a foreign country in~~
14 ~~the Statewide Registration System a “certificate of live birth for a foreign born~~
15 ~~child” when the supervisor he or she receives:~~

16 (1) a written request that ~~a new~~ the certificate be established:

17 (A) from the adopted person if ~~18~~ 14 years of age or older; or

18 (B) from the adoptive parent or parents if the adopted person is under
19 ~~18~~ 14 years of age; and

20 (2) a record of adoption issued under ~~the provisions of 15 V.S.A. § 449~~
21 15A V.S.A. § 3-801(a).

1 (b) The ~~new Vermont birth~~ certificate shall ~~be on a form prescribed by the~~
2 ~~commissioner of health. The new birth certificate shall include:~~

3 (1) the true or probable foreign country of birth and true or probable
4 date of birth;

5 (2) the adoptive parents as though they were natural parents;

6 (3) a notation that it was issued by authority of this chapter;

7 (4) a statement that the certificate is not evidence of ~~United States~~ U.S.
8 citizenship; and

9 (5) any other information the State Registrar may prescribe.

10 (c) The ~~new birth~~ certificate shall not contain a statement whether the
11 adopted person was illegitimate.

12 (d) ~~Birth certificates established under this section shall remain on file only~~
13 ~~at the department of health. [Repealed.]~~

14 (e) ~~Papers relating to the adoption shall be filed in accordance with the~~
15 ~~provisions of 15 V.S.A. § 451. [Repealed.]~~

16 Sec. 32. 18 V.S.A. § 5080 is amended to read:

17 § 5080. ~~FORM AND~~ EFFECT OF NEW CERTIFICATE

18 ~~All the provisions of sections 5006-5014 of this title shall be applicable~~
19 ~~with respect to a new birth certificate issued under the provisions of sections~~
20 ~~5077 and 5078 of this title. Such A new birth certificate issued under~~
21 15A V.S.A. § 3-802 and sections 5077a and 5112 of this title shall have the

1 same force and effect as though filed registered in accordance with the
2 provisions of section 5071 of this title. ~~Each certified copy of such certificate~~
3 ~~and each return based thereon transmitted in accordance with the provisions of~~
4 ~~sections 5009 and 5010 of this title, shall have enclosed therewith but not~~
5 ~~endorsed thereon or attached thereto a notation identifying the copy or return,~~
6 ~~if any, to be replaced by such new copy or return.~~

7 Sec. 33. 18 V.S.A. § 5081 is amended to read:

8 § 5081. ~~FILING OF NEW CERTIFICATE~~

9 ~~The town clerk filing a new birth certificate issued in accordance with the~~
10 ~~provisions of sections 5077 and 5078 of this title, and each town clerk or other~~
11 ~~officer to whom is transmitted a certified copy of the new certificate or a return~~
12 ~~based thereon, shall comply with 15 V.S.A. § 451. All known and available~~
13 ~~packets containing adoption orders and superseded birth certificates prepared~~
14 ~~in accordance with 15 V.S.A. §§ 449-451 and sections 5078-5081 of this title,~~
15 ~~before the effective date of this act shall be forwarded to the commissioner of~~
16 ~~health. These packets shall be filed as specified in 15 V.S.A. § 451.~~

17 [Repealed.]

18 Sec. 34. 18 V.S.A. § 5082 is amended to read:

19 § 5082. ~~CONSTRUCTION~~

1 ~~The provisions of sections 5077-5081 of this title shall be applicable with~~
2 ~~respect to both past and future orders, judgments, decrees, and instruments~~
3 ~~relating to marriages and births. [Repealed.]~~

4 Sec. 35. 18 V.S.A. § 5083 is amended to read:

5 § 5083. PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

6 (a) If a participant in the program described in 15 V.S.A. chapter 21,
7 subchapter 3 who is the parent of a child born during the period of program
8 participation notifies the physician or midwife who delivers the child, or the
9 hospital at which the child is delivered, not later than ~~24 hours~~ 10 days after
10 the birth of the child, that the participant's confidential address should not
11 appear on the child's birth certificate, then the ~~Department shall not disclose~~
12 ~~such confidential address or the participant's town of residence on any public~~
13 ~~records~~ address shall not be maintained in the Statewide Registration System
14 and the State Registrar, town clerks, and any other issuing agent shall ensure
15 the confidentiality of the address during the period of program participation in
16 accordance with measures prescribed by the State Registrar. A participant who
17 fails to provide such notice shall be deemed to have waived the provisions of
18 this section. ~~If such notice is received, then notwithstanding section 5071 of~~
19 ~~this title, the attendant physician or midwife shall file the certificate with the~~
20 ~~Supervisor of Vital Records within ten days of the birth, without the~~

1 ~~confidential address or town of residence, and shall not file the certificate with~~
2 ~~the town clerk.~~

3 (b) ~~The Supervisor of Vital Records shall receive and file for record all~~
4 ~~certificates filed in accordance with this section, and shall ensure that a~~
5 ~~parent's confidential address and town of residence do not appear on the birth~~
6 ~~certificate during the period that the parent is a program participant. A~~
7 ~~certificate filed in accordance with this section shall be a public document.~~
8 ~~The Supervisor of Vital Records~~ State Registrar shall notify the Secretary of
9 State of the receipt of a birth certificate on behalf of that a program participant
10 has given notice under this section.

11 (c) ~~The Department~~ State Registrar shall maintain a confidential record
12 of the parent's actual mailing address and town of residence. ~~Such record,~~
13 which shall be exempt from public inspection and copying under the Public
14 Records Act.

15 (d) Upon the ~~renewal~~, expiration, withdrawal, invalidation, or cancellation
16 of program participation of any parent of whom the Secretary of State received
17 notice from the ~~Supervisor of Vital Records~~ State Registrar, the Secretary of
18 State shall notify the ~~Supervisor of Vital Records~~ State Registrar.

19 (e) ~~Notwithstanding section 5075 of this title, upon~~ Upon notice of the
20 expiration, withdrawal, invalidation, or cancellation of program participation,
21 the ~~supervisor of vital records registration~~ State Registrar shall enter the update

1 the Statewide Registration System and take such other steps as may be
2 necessary to ensure that the actual mailing address and town of residence on
3 the original birth certificate and shall transmit the completed original birth
4 certificate to the town clerk where the birth occurred are available for public
5 inspection and copying in accordance with section 5016 of this title.

6 (f) ~~The town clerk shall process certificates received in this manner in~~
7 ~~accordance with the provisions of this chapter. [Repealed.]~~

8 Sec. 36. 18 V.S.A. chapter 20 is added to read:

9 CHAPTER 20. BIRTH INFORMATION NETWORK

10 Sec. 37. REDESIGNATION

11 18 V.S.A. §§ 5087–5089 (related to the Birth Information Network) are
12 redesignated within 18 V.S.A. chapter 20 to be 18 V.S.A. §§ 991–993.

13 Sec. 38. 18 V.S.A. § 5112 is amended to read:

14 § 5112. ISSUANCE OF NEW BIRTH CERTIFICATE; CHANGE OF SEX

15 ~~(a) Upon receiving from the Probate Division of the Superior Court a court~~
16 ~~order that receipt of an application for a new birth certificate and after~~
17 ~~receiving sufficient evidence to determine that an individual's sexual~~
18 ~~reassignment has been completed, the State Registrar shall issue a new birth~~
19 ~~certificate to:~~

20 ~~(1) show that the sex of the individual born in this State has been~~
21 ~~changed; and~~

1 ~~(2) if the application is accompanied by a decree of the Probate Division~~
2 ~~authorizing a change of name associated with the change of sex, to reflect the~~
3 ~~change of name.~~

4 ~~(b) An affidavit by a licensed physician who has treated or evaluated the~~
5 ~~individual stating that the individual has undergone surgical, hormonal, or~~
6 ~~other treatment appropriate for that individual for the purpose of gender~~
7 ~~transition shall constitute sufficient evidence for the Court State Registrar to~~
8 ~~issue an order determine that sexual reassignment has been completed. The~~
9 ~~affidavit shall include the medical license number and signature of the~~
10 ~~physician.~~

11 ~~(a)(1) Upon receiving from the Probate Division of the Superior Court a~~
12 ~~court order that receipt of an application for a new birth certificate and after~~
13 ~~receiving sufficient evidence to determine that an individual's sexual~~
14 ~~reassignment has been completed, the State Registrar shall update the~~
15 ~~Statewide Registration System and issue a new birth certificate to:~~

16 ~~(A) show that the sex of the individual born in this State has been~~
17 ~~changed; and~~

18 ~~(B) if the application is accompanied by a decree of the Probate~~
19 ~~Division authorizing a change of name associated with the change of sex, to~~
20 ~~reflect the change of name.~~

1 (2) The State Registrar shall record in the System the identity of the
2 person requesting the new certificate, the nature and content of the change
3 made, the person who made the change, and the date of the change.

4 **(b)(1)** An affidavit by a licensed physician who has treated or evaluated the
5 individual stating that the individual has undergone surgical, hormonal, or
6 other treatment appropriate for that individual for the purpose of gender
7 transition shall constitute sufficient evidence for the Court to issue an order
8 determine that sexual reassignment has been completed. The affidavit shall
9 include the medical license number and signature of the physician.

10 (2) If the State Registrar denies an application under this section, the
11 applicant may petition the Probate Division of the Superior Court, which shall
12 review the application and relevant evidence de novo to determine if the
13 issuance of a new birth certificate under this section is warranted. If the court
14 issues a decree ordering the issuance of a new birth certificate under this
15 section, the State Registrar shall update the Statewide Registration System and
16 issue a new birth certificate in accordance with subsection (a) of this section.

17 (c) A new certificate issued pursuant to subsection (a) of this section shall
18 be substituted for the original birth certificate in official records. The new
19 certificate shall not show that a change in name or sex, or both, has been made.
20 The original birth certificate, the Probate Division ~~order~~ change of name
21 decree, if any, and any other records relating to the issuance of the new birth

1 certificate shall be confidential and shall be exempt from public inspection and
2 copying under the Public Records Act; however an individual may have access
3 to his or her own records and may authorize the State Registrar to confirm that,
4 ~~pursuant to court order, it has~~ he or she issued a new birth certificate to the
5 individual that reflects a change in name or sex, or both.

6 (d) If an individual born in this State has an amended birth certificate
7 showing that the sex of the individual has been changed, and the birth
8 certificate is marked "Court Amended" or otherwise clearly shows that it has
9 been amended, the individual may receive a new birth certificate from the State
10 Registrar upon application.

11 * * * Marriage Records * * *

12 Sec. 39. 18 V.S.A. § 5131 is amended to read:

13 § 5131. ISSUANCE OF CIVIL MARRIAGE LICENSE; SOLEMNIZATION;
14 RETURN OF CIVIL MARRIAGE CERTIFICATE;
15 REGISTRATION

16 (a)(1) Upon receipt of a completed application in a form prescribed by the
17 ~~department~~ State Registrar, which shall require both parties to sign the
18 application certifying to the accuracy of the facts contained therein, a town
19 clerk shall issue to a person a civil marriage license in the form prescribed by
20 the ~~department~~ State Registrar only if at least one party has signed the license
21 in the presence of the clerk and shall enter thereon the names of the parties to

1 the proposed marriage, and fill out the form as far as practicable ~~and~~. The
2 town clerk shall retain in the clerk's office a copy ~~thereof~~ of the license until
3 the marriage certificate is returned by the solemnizer.

4 (2) The ~~department shall prescribe~~ application forms ~~that shall~~ allow
5 each party to a marriage to be designated "bride," "groom," or "spouse," as he
6 or she chooses, ~~and the application shall be in substantially the following~~
7 ~~form:~~

8 VERMONT DEPARTMENT OF HEALTH

9 APPLICATION FOR VERMONT LICENSE OF CIVIL MARRIAGE

10 FEE FOR CIVIL MARRIAGE LICENSE: \$45.00, FEE FOR

11 CERTIFIED COPY \$10.00

12 BRIDE/GROOM/SPOUSE ~~(circle one)~~

13 NAME ~~(First)~~ (Middle) ~~(Last)~~

14 SEX DATE OF BIRTH AGE

15 (e.g., July 1, 2009)

16 BIRTHPLACE EDUCATION ~~(Circle No. Yrs.~~
17 ~~Completed)~~

18 GRADES GRADES COLLEGE

19 1-8 9-12 (1-5+)

20 RESIDENCE ~~(No. and Street)~~

21 CITY OR TOWN COUNTY STATE

1 ~~RACE~~ ~~White, Black, Native American, Indian, Chinese, Japanese, Hawaiian,~~
2 ~~Filipino~~
3 ~~(Specify)~~
4 ~~FATHER'S NAME (First, Middle, Last)~~
5 ~~FATHER'S BIRTHPLACE (State~~ ~~MOTHER'S BIRTHPLACE (State~~
6 ~~or Foreign Country~~ ~~or Foreign Country)~~
7 ~~MOTHER'S MAIDEN NAME (First, Middle, Maiden Surname)~~
8 ~~NO. OF THIS~~ ~~NO. OF~~ ~~IF PREVIOUSLY IN MARRIAGE~~
9 ~~MARRIAGE (1st,~~ ~~CIVIL~~ ~~OR CIVIL UNION, LAST~~
10 ~~2nd, etc.)~~ ~~UNIONS~~ ~~RELATIONSHIP WAS~~
11 ~~1. MARRIAGE 2. CIVIL UNION~~
12 ~~Date last marriage or civil union ended _____Month _____Year~~
13 ~~LAST RELATIONSHIP ENDED BY:~~
14 ~~1. DEATH 2. DISSOLUTION 3. ANNULMENT~~
15 ~~4. PREVIOUS CIVIL UNION DID NOT END, MARRYING CIVIL~~
16 ~~UNION PARTNER~~
17 ~~Does either party have a legal guardian _____Yes _____No~~
18 ~~BRIDE/GROOM/SPOUSE (circle one)~~
19 ~~NAME (First)~~ ~~(Middle)~~ ~~(Last)~~
20 ~~SEX~~ ~~DATE OF BIRTH~~ ~~AGE~~
21 ~~(e.g., July 1, 2009)~~

1 ~~BIRTHPLACE~~ EDUCATION (~~Circle No. Yrs.~~
2 ~~Completed~~)
3 ~~GRADES GRADES COLLEGE~~
4 ~~1-8 9-12 (1-5+)~~

5 ~~RESIDENCE (No. and Street)~~

6 ~~CITY OR TOWN COUNTY STATE~~

7 ~~RACE—White, Black, Native American, Indian, Chinese, Japanese, Hawaiian,~~
8 ~~Filipino~~
9 ~~(Specify)~~

10 ~~FATHER’S NAME (First, Middle, Last)~~

11 ~~FATHER’S BIRTHPLACE (State MOTHER’S BIRTHPLACE~~
12 ~~or Foreign Country (State or Foreign Country)~~

13 ~~MOTHER’S MAIDEN NAME (First, Middle, Maiden Surname)~~

14 ~~NO. OF THIS NO. OF IF PREVIOUSLY IN MARRIAGE~~
15 ~~MARRIAGE (1st, 2nd, CIVIL OR CIVIL UNION, LAST~~
16 ~~etc.) UNIONS RELATIONSHIP WAS~~
17 ~~1. MARRIAGE 2. CIVIL UNION~~

18 ~~Date last marriage or civil union ended _____ Month _____ Year~~

19 ~~LAST RELATIONSHIP ENDED BY:~~

1 ~~1. DEATH 2. DISSOLUTION 3. ANNULMENT~~

2 ~~4. PREVIOUS CIVIL UNION DID NOT END, MARRYING CIVIL~~

3 ~~UNION PARTNER~~

4 ~~Does either party have a legal guardian _____ Yes _____ No~~

5 ~~APPLICANTS~~

6 ~~We hereby certify that the information provide is correct to the best of our~~

7 ~~knowledge and belief and that we are free to marry under the laws of Vermont.~~

8 ~~SIGNATURE _____ SIGNATURE _____~~

9 ~~Date signed: _____ Date signed: _____~~

10 ~~Planned marriage date _____ Location (City or town) _____~~

11 ~~Officiant Name & Address~~

12 ~~_____~~

13 ~~Your mailing address after wedding~~

14 ~~_____~~

15 ~~Do you want a certified copy of your Marriage Certificate? (\$10.00)~~

16 ~~_____ Yes _____ No~~

17 ~~Date License issued _____ Clerk issuing License _____~~

18 ~~This worksheet may be destroyed after the marriage is registered.~~

19 ~~(3) At least one party to the proposed marriage shall sign the certifying~~

20 ~~application to the accuracy of the facts so stated. The license shall be~~

21 ~~issued by:~~

1 60 days from the date of issue, such license shall become void. After ~~such~~ the
2 person has solemnized the marriage, he or she shall fill out that part of the
3 form on the license provided for his or her use, sign it, and certify to the ~~same~~
4 occurrence and date of the marriage. Thereafter the document shall be known
5 as a civil marriage certificate.

6 * * *

7 Sec. 40. 18 V.S.A. § 5139 is amended to read:

8 § 5139. CLERK'S DUTIES; PENALTY

9 (a) A Except under the circumstances described in subsection (b) of this
10 section, a town clerk who knowingly issues a civil marriage license upon
11 application of a person residing in another town in the state, or a county clerk
12 who knowingly issues a civil marriage license upon application of a person
13 other than as provided in section 5005 of this title other than as described in
14 subdivision 5131(a)(3) of this title, or a clerk who issues such a license without
15 first requiring the applicant to fill out, sign, and make oath to the declaration
16 contained therein as provided in section 5131 of this title, shall be fined not
17 more than \$50.00 nor less than \$20.00.

18 (b) A town clerk may issue a civil marriage license to parties other than as
19 described in subdivision 5131(a)(3) of this title when the office of the town
20 clerk with authority to issue the license is not open during standard business
21 hours and the parties have a compelling, immediate need to be married, as

1 determined by the town clerk issuing the civil marriage license. A compelling,
2 immediate need would arise when irreparable harm ~~would~~ could occur if the
3 marriage were delayed.

4 Sec. 41. [Deleted.]

5 Sec. 42. 18 V.S.A. § 5141 is amended to read:

6 § 5141. ~~PROOF~~ CONFIRMATION OF LEGAL QUALIFICATIONS OF
7 PARTIES; PENALTY

8 (a) ~~Before~~ At a minimum, before issuing a civil marriage license to an
9 applicant, the town clerk shall ~~satisfy himself by requiring affidavits or other~~
10 ~~proof that neither party to the intended marriage is~~ review the license
11 application to confirm that:

12 (1) the information submitted therein does not facially indicate that the
13 parties are prohibited from marrying by the laws of this state State; and

14 (2) the parties have certified to the veracity of the information in the
15 application.

16 (b) A clerk who fails to comply with the provisions of this section or who
17 issues a civil marriage license with knowledge that the parties, or either of
18 them, are prohibited from marrying or otherwise have failed to comply with
19 the requirements of the laws of this state State, or a person who having
20 authority and having such knowledge solemnizes such a marriage, shall be
21 fined not more than \$100.00.

1 (c) ~~The affidavits herein referred to shall be in a form prescribed by the~~
2 ~~board and shall be attached to and filed with the civil marriage certificate in the~~
3 ~~office of the clerk of the town wherein the license was issued. [Repealed.]~~

4 Sec. 43. 18 V.S.A. § 5142 is amended to read:

5 § 5142. ~~RESTRICTIONS AS TO PERSONS WHO ARE MINORS OR~~
6 ~~INCOMPETENT~~ NOT AUTHORIZED TO MARRY

7 ~~A Clerk~~ The following persons are not authorized to marry, and a town
8 clerk shall not knowingly issue a civil marriage license, when either party to
9 the intended marriage is:

10 (1) either party is a person who has not attained majority ~~without, unless~~
11 the consent town clerk has received in writing the consent of one of the parents
12 of the minor, if there is one a parent competent to act, or of the guardian of
13 such the minor;

14 (2) ~~nor with such consent when~~ either party is under 16 years of age;

15 (3) ~~nor when~~ either of the parties ~~to the intended marriage is not is~~
16 mentally capable incapable of entering into marriage as defined in 15 V.S.A.
17 § 514;

18 (4) ~~nor to a person~~ either of the parties is under guardianship, without
19 the written consent of such the party's guardian;

20 (5) [Repealed.]

1 (6) the parties are prohibited from marrying under 15 V.S.A. § 1a on
2 account of consanguinity or affinity;

3 (7) either of the parties has a wife or husband living, as prohibited under
4 13 V.S.A. § 206 (bigamy).

5 Sec. 44. 18 V.S.A. § 5143 is amended to read:

6 § 5143. PENALTIES

7 ~~A clerk who knowingly violates a provision of section 5142 of this title~~
8 ~~shall be fined not more than \$20.00.~~ A person who aids in procuring such a
9 civil marriage license by falsely pretending to be the parent or guardian having
10 authority to give consent to the marriage of ~~such minors~~ a minor shall be fined
11 not more than \$500.00.

12 Sec. 45. [Deleted.]

13 Sec. 46. 18 V.S.A. § 5147 is amended to read:

14 § 5147. SOLEMNIZATION BY UNAUTHORIZED PERSON; PENALTY;

15 VALIDITY OF MARRIAGE

16 (a) ~~A person~~ An individual who, knowing that he or she is not authorized
17 so to do, undertakes to join others in marriage, shall be imprisoned not more
18 than six months or fined not more than \$300.00 nor less than \$100.00, or both.

19 (b) A marriage solemnized ~~before a person professing to be a justice or a~~
20 ~~minister of the gospel~~ by an individual who was not authorized to do so under
21 this chapter shall not be void ~~nor the validity thereof affected for want of~~

1 ~~jurisdiction or authority in such supposed justice or minister~~ or invalid,
2 ~~providing~~ provided that the marriage is in other respects lawful and is
3 consummated with a belief on the part of ~~the persons~~ either party so married,
4 ~~or either of them,~~ that ~~they~~ the couple were lawfully joined in marriage.

5 * * * Reports of Death, Death Certificates * * *

6 Sec. 47. 18 V.S.A. § 5202 is amended to read:

7 § 5202. REPORT OF DEATH; DEATH CERTIFICATE; DUTIES OF
8 PHYSICIAN AND AUTHORIZED LICENSED HEALTH CARE
9 PROFESSIONAL

10 (a)(1) ~~The~~ Within 24 hours after a death, the licensed health care
11 professional who is ~~last in attendance upon~~ last attended a deceased person
12 shall ~~immediately fill out a certificate of death on a form prescribed by the~~
13 ~~commissioner~~ submit the medical portion of a report of death in a manner
14 prescribed by the State Registrar. ~~For the purposes of this section, a licensed~~
15 ~~health care professional means a physician, a physician assistant, or an advance~~
16 ~~practice registered nurse.~~ If the licensed health care professional who attended
17 the death is unable to state the cause of death, he or she shall immediately
18 notify the ~~physician~~ licensed health care professional, if any, who was in
19 charge of the patient's care ~~to fill out the certificate,~~ and he or she shall fulfill
20 this requirement.

1 (2) If ~~the physician~~ neither health care professional is ~~unable~~ able to
2 state the cause of death, the provisions of section 5205 of this title apply.

3 (3) The licensed health care professional may, ~~with the consent of the~~
4 ~~funeral director,~~ delegate to the funeral director or the person in charge of the
5 body, with that individual's consent, the responsibility of ~~gathering data for~~
6 ~~and filling out all items except the medical certification of cause of death~~
7 completing the nonmedical portion of the report of death.

8 (4) ~~All entries, except signatures, on the certificate shall be typed or~~
9 ~~printed and shall contain answers to the following questions:~~

10 (1) ~~Was the deceased~~ The State Registrar shall furnish the agency
11 responsible for veterans' affairs information as to the deceased's status as a
12 veteran of any war?

13 (2) ~~If so, of what war?.~~

14 (5) The State Registrar shall register the report of death in the Statewide
15 Registration System upon receipt of the required information. The portion of
16 the report of death that is not confidential under section 5014 of this title is the
17 death certificate.

18 (b) When ~~death occurs in a hospital and it is impossible to obtain a death~~
19 ~~certificate from an attending licensed health care professional before~~ is not
20 available prior to burial or transportation of a body, any licensed health care
21 professional who has access to the facts and can certify that the death is not

1 subject to the provisions of section 5205 of this title may complete and sign a
2 preliminary report of death on a form ~~supplied by the commissioner~~ prescribed
3 by the State Registrar. ~~The municipal or county clerk or a deputy shall~~ The
4 health care professional may delegate completion of the nonmedical facts to
5 any funeral director or person in charge of the body with access to the
6 nonmedical facts, with that individual's consent. A person authorized to issue
7 a burial-transit permit shall ~~accept this report and a properly completed~~
8 preliminary report and issue a burial-transit permit. ~~This~~ The preliminary
9 report ~~of death~~ may be destroyed six months after a the death certificate has
10 been filed registered. ~~This does not~~ subsection does not relieve the attending a
11 licensed health care professional from ~~the responsibility of completing a death~~
12 ~~certificate and delivering it to the funeral director within 24 hours after death~~
13 his or her responsibilities under subsection (a) of this section.

14 Sec. 48. 18 V.S.A. § 5203 is amended to read:

15 § 5203. ~~DEATH CERTIFICATE; MEMBER OF ARMED FORCES~~

16 ~~Upon official notification of a death of a member of the armed forces of the~~
17 ~~United States while serving as such beyond the United States, not including the~~
18 ~~territories thereof, and provided the remains of the member are not returned to~~
19 ~~this country, the next of kin thereof or interested person may file with the clerk~~
20 ~~of the town of the residence of such member a certificate of death. Such~~
21 ~~certificate shall set forth the name, date of birth, and date of death, if the same~~

1 ~~can be determined, the names of the parents of the deceased and such other~~
2 ~~information as may be deemed pertinent by the office of the adjutant general.~~

3 [Repealed.]

4 Sec. 49. 18 V.S.A. § 5204 is amended to read:

5 § 5204. ~~FORMS; CERTIFICATION~~

6 ~~The certificate shall be made on forms furnished by the commissioner and~~
7 ~~shall be recorded by the town clerk in accordance with the provisions of this~~
8 ~~chapter. The town clerk shall forthwith, upon making such record, forward a~~
9 ~~certified copy thereof to the office of the adjutant general. [Repealed.]~~

10 Sec. 50. 18 V.S.A. § 5205 is amended to read:

11 § 5205. ~~DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN~~

12 AND IN OTHER CIRCUMSTANCES; AUTOPSY

13 * * *

14 (f) The State's Attorney or Chief Medical Examiner, if either deem it
15 necessary and in the interest of public health, welfare, and safety, or in
16 furtherance of the administration of the law, may order an autopsy to be
17 performed by the Chief Medical Examiner or under his or her direction. Upon
18 completion of the autopsy, the Chief Medical Examiner shall submit a report to
19 such State's Attorney and the Attorney General and shall ~~complete and sign a~~
20 ~~certificate~~ submit a report of death to the State Registrar.

21 * * *

1 Sec. 51. 18 V.S.A. § 5206 is amended to read:

2 § 5206. ~~PENALTY FOR FAILURE TO FURNISH DEATH CERTIFICATE~~

3 SUBMIT REPORT OF DEATH

4 A ~~physician who fails to furnish a certificate of death~~ licensed health care
5 professional who fails to cause the medical portion of a report of death to be
6 submitted within 24 hours after the death of a person containing a true
7 statement of the cause of such death, ~~and all the other facts provided for in the~~
8 ~~form of death certificates~~, so far as these facts are obtainable, shall be fined not
9 more than \$100.00.

10 Sec. 52. 18 V.S.A. § 5202a is amended to read:

11 § 5202a. CORRECTION, COMPLETION, OR AMENDMENT OF DEATH

12 CERTIFICATE

13 (a) Corrections, completions. Within six months after the date of death, the
14 ~~town clerk~~ State Registrar may correct or complete a death certificate upon
15 application by the certifying ~~physician~~ licensed health care professional,
16 medical examiner, hospital, nursing home, or funeral director, if the
17 application and relevant evidence, if any, show that the correction or
18 completion is warranted. ~~The town clerk may correct or complete the~~
19 ~~certificate accordingly and shall certify thereon that such correction or~~
20 ~~completion was made pursuant to this section, with the date thereof. In his or~~
21 ~~her discretion, the town clerk may refuse an application for correction or~~

1 ~~completion, in which case, the applicant may petition the probate division of~~
2 ~~the superior court for such correction or completion.~~

3 (b)(1) Amendments. After six months from the date of death, any
4 alteration of a death certificate may only be corrected or amended pursuant to
5 decree of the probate division of the superior court in which district the
6 original certificate is filed shall be deemed an amendment. Upon application
7 by a person specified in subsection (a) of this section, the State Registrar may
8 amend the death certificate if the application and relevant evidence, if any,
9 show that the amendment is warranted.

10 (2) ~~The probate division of the superior court to which such application~~
11 ~~is made shall set a time for hearing thereon and, if such court deems necessary,~~
12 ~~cause notice of the time and place thereof to be given by posting the same in~~
13 ~~the probate division of the superior court office and, after hearing, shall make~~
14 ~~such findings, with respect to the correction of such death certificate as are~~
15 ~~supported by the evidence. The court shall thereupon issue a decree setting~~
16 ~~forth the facts as found, and transmit a certified copy of such decree to the~~
17 ~~supervisor of vital records registration. The supervisor of vital records~~
18 ~~registration~~

19 (c) Appeal. If the State Registrar denies an application for a correction,
20 completion, or amendment under this section, the applicant may petition the
21 Probate Division of the Superior Court, which shall review the application and

1 relevant evidence de novo to determine if the requested action is warranted.
2 The court shall transmit a decree ordering a correction, completion, or
3 amendment to the State Registrar, who shall take action in accordance with the
4 decree.

5 (d) Documentation of changes. The State Registrar shall make corrections,
6 completions, and amendments in the Statewide Registration System. A
7 corrected or completed certificate issued from the System shall be free of any
8 evidence of the alteration and shall not be marked "Amended." Any amended
9 death certificate issued from the System shall indicate the word "Amended"
10 and the date of amendment. The State Registrar shall enter into and maintain
11 in the System the identity of the person requesting the correction, completion,
12 or amendment, the nature and content of the change, the identity of the person
13 making the change in the System, and the date the change was made.

14 (e) Original certificates. If the State Registrar corrects, completes, or
15 amends a certificate that was registered prior to July 1, 2018, he or she shall
16 transmit the same to the appropriate town clerk to amend ~~notify the town clerk~~
17 or clerks with custody of the original ~~or issue a new certificate, who shall~~
18 replace and dispose of the original, and update indexes, as directed by the State
19 Registrar. The words "Court Amended" shall be typed, written, or stamped at
20 the top of the new or amended certificates with the date of the decree and the
21 name of the issuing court.

1 ~~(e)(f) Provided, however, that only the medical examiner or the certifying~~
2 ~~physician may apply to~~ Cause of death. The State Registrar shall only correct
3 ~~or,~~ complete ~~the certificate as to,~~ or amend the medical certification of the
4 cause of death upon application by the medical examiner or certifying licensed
5 health care professional.

6 Sec. 53. 18 V.S.A. § 5207 is amended to read:

7 § 5207. CERTIFICATE FURNISHED FAMILY; ~~BURIAL~~ BURIAL-
8 TRANSIT PERMIT

9 ~~The physician or person filling out the certificate of death, within 36~~ Within
10 24 hours after death, ~~shall deliver the same~~ the death certificate shall be made
11 available upon request to the family of the deceased, if any, or the undertaker
12 or person who has charge of the body. ~~Such~~ The certificate shall be filed with
13 the person issuing the ~~certificate of permission for burial, entombment, or~~
14 ~~removal~~ burial-transit permit obtained by the person who has charge of the
15 body before such dead body shall be buried, entombed, or removed from the
16 town. When ~~such~~ the death certificate of ~~death~~ is so filed, ~~such~~ the officer or
17 person shall immediately issue a ~~certificate of permission for burial,~~
18 ~~entombment, or removal of the dead body~~ burial-transit permit under legal
19 restrictions and safeguards.

1 Sec. 54. 18 V.S.A. § 5211 is amended to read:

2 § 5211. UNAUTHORIZED BURIAL OR REMOVAL; PENALTY

3 A person who buries, entombs, transports, or removes the dead body of a
4 person without a burial-transit ~~or removal~~ permit so to do, or in any other
5 manner or at any other time or place than as specified in such permit, shall be
6 imprisoned not more than five years or fined not more than \$1,000.00, or both.

7 Sec. 55. [Deleted.]

8 * * * Conforming Changes * * *

9 Sec. 56. 4 V.S.A. § 311a is amended to read:

10 § 311a. VENUE GENERALLY

11 For proceedings authorized to the Probate Division of Superior Court,
12 venue shall lie as provided in Title 14A for the administration of trusts, and
13 otherwise in a Probate District as follows:

14 * * *

15 (19) ~~Issuance of~~ Appeal from a denial by the State Registrar of Vital
16 Records of a request for a new ~~or~~, corrected, amended, or delayed birth
17 certificate: in the district where the birth occurred or allegedly occurred.

18 (20) Correction or amendment of a civil marriage or civil union
19 certificate or issuance of delayed certificate: in the district where the ~~original~~
20 ~~certificate is filed~~ marriage or civil union license was issued or allegedly
21 issued.

1 ~~supervisor of vital records registration~~ or the birth certificate of the minor and a
2 certified copy of a decree issued under this chapter authorizing a change of
3 name, and request that the birth certificate be amended in accordance with the
4 decree. The State Registrar of Vital Records shall forward such instrument of
5 change of name to the town clerk in the town where the person was born
6 within the state, or wherein the original certificate is filed, with instructions to
7 amend the original certificate and all copies thereof update the Statewide
8 Registration System and proceed in accordance with the provisions of chapter
9 401 of Title 18 V.S.A. § 5075. Such amended Notwithstanding 18 V.S.A.
10 § 5075, certificates amended pursuant to this section shall have the words
11 “Court Amended” stamped, written, or typed at the top and shall show that the
12 change of name was made pursuant to this chapter.

13 Sec. 58. REPLACEMENTS

14 (a) In 15A V.S.A. §§ 3-705 and 5-108(c), the phrase “supervisor of vital
15 records” is replaced with “State Registrar of Vital Records”, and in
16 15A V.S.A. § 5-108(c), the word “supervisor” is replaced with “State
17 Registrar.”

18 (b) In 18 V.S.A. § 1103, the phrase “certificate of birth” is replaced with
19 “report of birth.”

20 (c) In 18 V.S.A. § 5148, “commissioner of health” is replaced with “State
21 Registrar.”

1 town clerk shall ~~not copy~~ redact the word “illegitimate” from any copy of a
2 birth certificate he or she furnishes.

3 ~~(b) Copies of vital records for events occurring outside the State, filed with~~
4 ~~a town clerk pursuant to 18 V.S.A. § 5015, shall not be copied and certified.~~

5 A town clerk shall furnish a certified copy of a vital event certificate only if
6 authorized and as prescribed under 18 V.S.A. chapter 101.

7 Sec. 61. 32 V.S.A. § 1712 is amended to read:

8 § 1712. TOWN CLERKS

9 Town clerks shall receive the following fees ~~in the matter of vital~~
10 ~~registration~~ for issuing marriage licenses and vital event certificates:

11 (1) For issuing and recording a civil marriage ~~or civil union~~ license,
12 \$60.00 to be paid by the applicant, \$10.00 of which sum shall be retained by
13 the town clerk as a fee, \$35.00 of which shall be deposited in the Domestic and
14 Sexual Violence Special Fund created by 13 V.S.A. § 5360, and \$15.00 of
15 which sum shall be paid by the town clerk to the State Treasurer in a return
16 filed quarterly upon forms furnished by the State Treasurer and specifying all
17 fees received by him or her during the quarter. Such quarterly period shall be
18 as of the first day of January, April, July, and October.

19 (2) ~~\$1.00 for other copies made under the provisions of 18 V.S.A.~~
20 ~~§ 5009 to be paid by the town.~~ [Repealed.]

1 (3) ~~\$2.00 for each birth certificate completed or corrected under the~~
2 ~~provisions of 15 V.S.A. §§ 449 and 816 and 18 V.S.A. §§ 5073, 5075-5078,~~
3 ~~for the correction of each civil marriage certificate under the provisions of~~
4 ~~15 V.S.A. § 816, and 18 V.S.A. § 5150, for the correction or completion of~~
5 ~~each civil union certificate under the provisions of 18 V.S.A. § 5168, and for~~
6 ~~each death certificate corrected under the provisions of 18 V.S.A. § 5202a, to~~
7 ~~be paid by the town. [Repealed.]~~

8 (4) ~~\$1.00 for each certificate of facts relating to births, deaths, civil~~
9 ~~unions, and marriages, transmitted to the Commissioner of Health in~~
10 ~~accordance with the provisions of 18 V.S.A. § 5010. Such sum, together with~~
11 ~~the cost of binding the certificate shall be paid by the town. [Repealed.]~~

12 (5) Fees for vital records event certificates shall be equivalent to those
13 received by the Commissioner of Health or the Vermont State Archivist
14 pursuant to subsection 1715(a) of this title charged and allocated as specified
15 in 18 V.S.A. § 5017.

16 Sec. 62. 32 V.S.A. § 1715 is amended to read:

17 § 1715. VITAL RECORDS EVENT CERTIFICATES; COPIES; SEARCH

18 (a) Upon payment of a ~~\$10.00~~ the fee established under 18 V.S.A. § 5017,
19 ~~the Commissioner of Health~~ Office of Vital Records or the Vermont State
20 Archives and Records Administration shall provide a certified copies copy of a
21 ~~vital records~~ event certificate, or shall ascertain and certify what the vital

1 ~~records available to the Commissioner and the Vermont State Archivist show~~
2 event certificate shows, except that ~~the Commissioner and the Vermont State~~
3 ~~Archivist shall not copy~~ the word “illegitimate” shall be redacted from any
4 birth certificate furnished. The fee for the search of the vital records is \$3.00
5 which is credited toward the fee for the first certified copy based upon the
6 search.

7 (b) Fees collected under this section shall be credited to special funds
8 established and managed pursuant to chapter 7, subchapter 5 ~~of chapter 7~~ of
9 this title, and shall be available to the charging departments to offset the costs
10 of providing those services.

11 * * * Effective Dates * * *

12 Sec. 63. EFFECTIVE DATES

13 (a) This section; in Sec. 3, 18 V.S.A. § 5000(e)(8) and (f) (rulemaking
14 authority); and in Sec. 39, 18 V.S.A. § 5131(a)(2) (marriage license application
15 form) shall take effect on passage.

16 (b) All other sections of this act shall take effect on July 1, 2018.